PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE CO! TY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a 243.283 and 102.29 Variance from Sections 255.1&2 (238.2/\_. buildings of 24' in lieu of the required 100' & 60', respectively of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1. Close proximity to expressway and other industrial building. Other practical hardships and unreasonable difficulties to be presented at time of hearing. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser: Public Storage Inc. (Type or Print Name) (Type or Print Name) Signature Jeffrey M. Supnick Site Dev. Coordinato FILING (Type or Print Name) FOR for Petitioner: RECEIVED 125 Gaither Dr. Suite C Mt. Laurel, New Jersey 08054 City and State 609-778-8790 Attorney's Telephone No.: ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_19th\_\_\_\_\_ day of <u>September</u>, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_9th \_\_\_\_ day of \_\_November \_\_\_\_, 19.83 , at 10:30 o'clock BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204 HARRY J. PISTEL, P. E. DIRECTOR October 3, 1983 Mr. Armold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204 Re: Item #70 (1983-1984) Property Owner: Public Storage, Inc. W/S Wever Rd. 635' S/W Fitch Avenue Acres: 6 District: 14th Dear Mr. Jablon: The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject General: Baltimore County highway and utility improvements are not directly involved and are secured by Public Works Agreements 148104 and 148204, executed in conjunction with the development of the John P. Wever Property (84 Lumber Company and Phase Two, respectively). Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil. The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner. This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 70 (1983-1984).

Very truly yours,

Bureau of Public Services

RE: PETITION FOR VARIANCE BEFORE THE ZONING COMMISSIONER W/S of Wever Rd., 950' S of Fitch Ave., 14th District OF BALTIMORE COUNTY PUBLIC STORAGE, INC., :::::: ORDER TO ENTER APPEARANCE Mr. Commissioner: Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith. Peter May Teramore Péter Max Zimmerman John W. Hessian, III Deputy People's Counsel People's Counsel for Baltimore County Rm. 223, Court House Towson, Maryland 21204 494-2188 ! HEREBY CERTIFY that on this 24th day of October, 1983, a copy of the foregoing Order was mailed to Jeffrey M. Supnick, Site Dev. Coordinator, Public Storage, Inc., 125 Gaither Drive, Suite C, Mt. Laurel, NJ 08054, Petitioner. plan 70). Nessian AI John W. Hessian, III Oct. 19, 1983 BALTIMORE COUNTY DEPARTMENT OF HEALTH Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204 Zoning Item # 70, Zoning Advisory Committee Meeting of Sat. 13,1983 Property Owner: Public Storage, Inc.

Location: W/S Wever Road District 14 Water Supply \_\_\_public \_\_\_ Sewage Disposal \_public\_\_ COMMENTS ARE AS FOLLOWS: ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval. ( /) Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.

A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere. ( ) A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more. ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Ergineering and Maintenance, State Department of Health and Mental Hygiene for review and approval. Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information,

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE PETITION AND SITE PLAN EVALUATION COMMENTS Zoning Item # 70 Page 2

( ) Any existing underground storage tanks containing gascline, waste oil,

either be removed from the property or properly backfilled.

( ) Soil percolation tests have been conducted.

well yield test

Applications.

The results are valid until

solvents, etc., must have the contents removed by a licensed hauler and

Revised plans must be submitted prior to approval of the percolation

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE October 31, 1983 COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204 Mr. Jeffrey M. Supnick Public Storage, Inc. 125 Gaither Drive Suite C Mt. Laurel, New Jersey 08054 Nicholas B. Commodari RE: Item No. 70 - Case No. 84-127-A Chairman Petitioner - Public Storage, Inc. Variance Petition MEMBERS Dear Mr. Supnick: Bureau of Engineering The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The Department of Traffic Engineering following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with Fire Prevention regard to the development plans that may have a bearing ch this case. The Director of Planning may file a written Pealth Department report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning. inject Planning Bailding Department Board of Education As you are aware, a building permit (C-889-83) was issued by this office to construct the proposed warehouses Zoning Administration and 3 foot wide connectors, as shown on the submitted site plan. In view of your proposal to delete the connectors, this hearing is required. Enclosed are all comments submitted from the members of the Committee at this time that offer or request infor-

> Very truly yours, Sicheles B. Cannodere, her NICHOLAS B. COMMODARI, Chairman Zoning Plans Advisory Committee cc: Cowan Associates, Inc. 120 Penn Am Drive P.O. Box 558 Quackertown, Pa. 18951

mation on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be

placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

Enclosures

TED ZALESKI JR. Mr. Arnold Jablon, Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204

Dear Mr. Jablon: Comments on Item # 70 Zoning Advisory Committee Meeting are as follows:

hearing scheduled accordingly.

Property Owner: Public Storage, Inc. Existing Zoning: M.L.

Proposed Zoning: Variance to permit a minimum distance between building of 24' in lieu of the required 100' and to allow a minimum distance between buildings of 24' in lieu of the required 60'.

X A. All structures shall conform to the Baltimore County Building Code 1981/Council Bill 4-82 State of Maryland Code for the Handicapped and Aged; and other appli-

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

X D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application. E. An exterior wall erected within 6'0 for Commercial uses or 3'0 for One & Two

construction, no openings permitted within 3'0 of lot lines. A firewall is required if construction is on the lot line, see Table 401, line 2, Section 1407 and Table 1402, also Section 503.2. F. Requested variance appears to conflict with the Baltimore County Building Code,

will meet the Code requirements for the proposed change. Drawings may require

H. before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Flans Review) at 111 W. Chesapeake Ave.,

Manles & Simhan Charles E. Burnham, Chief

SS 20 1080 (2)

BUREAU OF ENVIRONMENTAL SERVICES

W/S Wever Road 635' S/W Fitch Avenue ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
In accordance with Section 13-117 of the Baltimore County Code, the water shall be valid until District: 14th. is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit The items checked below are applicable: ( ) All roads and parking areas should be surfaced with a dustless, bonding miscellaneous

X B. A building/ & other permit shall be required before beginning construction. ( ) No health hazards are anticipated. (1) Others Prefesed facility + residence most utilize Meterpelitan maser + somet which is munitable to
this site. If submission of plans to the County Rowany
Corons is required, a Hydrogodogical Study and an
Environmental Effects Report must be submitted Family use group of an adjacent lot line shall be of one hour fire resistive Existing building have how razed. All existing wells must be properly backfilled pries to the issuance of a Ruilding Sermit for this project. G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure Owner has been netified of this requirement. X I. Comments - See the attached letter of comments.

contact the Recreational Hygiene Section, Division of Environmental Support

( ) Prior to approval for a nursery school, owner or applicant must comply with

( ) If lubrication work and oil changes are performed at this location, the

the Division of Maternal and Child Health.

SS 20 1082 (1)

with Water Resources Administration requirements.

all Baltimore County regulations. For more complete information, contact

method providing for the elimination of waste oil must be in accordance

RAM: EAM: FWR: S3

cc: R. Covahey

NE 7 E & F Topo 81 Tax Map

M-SW & N SE Key Sheets

26 & 27 NE 20 & 21 Pos. Sheets

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of \_\_\_\_\_\_, 19\_\_\_\_\_, that the herein Petition for Variance(s) to permit

W/S Wever Road, S/W Fitch Avenue

It will be important to this project that everyone be knowledeable of the definition of "Fire Separation, Exterior Fire Exposure". It is important because when more than one building is located on a lot the required distance separating those buildings from one another is measured from an imaginary line between those buildings. This definition

The type of construction, location of possible fire walls and

Building "H" is of a size that would indicate sprinklers are

Fire wall separation between residential and storage uses are

It is possible all of these items have been or can be corrected the site plan when submitted for such a variance and not be left for

PUBLIC STORAGE, INC. Case #84-127-A.

Page 2

Therefore, based on the foregoing basis, the Zoning Board could make the finding that the relief sought would not adversely effect the public welfare and that the site presents unusual characteristics.

## NO ADVERSE EFFECT ON NEIGHBORHOOD

The property is bordered by intensive commercial/industrial land uses. Only one individual residence borders the property. This residence is almost 300 feet from the closest building which is itself a managers' apartment. No traffic will be directed toward this common property line.

The proposed property is bounded to the east by a drainage easement with a width of sixty feet at its narrowest point. Given the presence of wetlands type soils, particularly on the side of the adjoining property, it is very unlikely that any proposed development on the vacant parcel to the east could be built in close proximity to the Public Storage Development.

The K-Mart Center (opposite), 84 Lumber (west) and Greenhouses (east) are massive, connected buildings; the proposed is definitedly in harmony with these uses and in fact the proposed use is by far less intense than these uses and allows for more of a free flow of light and air than do adjoining uses.

As an addendum to this brief, we are submitting the American Society of Planning Officials report on Mini Warehousing. Attention is called to page three of the report in which the traffic load for mini warehousing is discussed. The report notes that a facility of nearly twice the size (110,000 s.f.) of that being proposed by the present application had only a 17 vehicle average traffic count for a 24-hour period (this facility was operating at 93 percent capacity). These traffic counts are consistent with those experienced at the 200 plus facilities operated by the petitioner. In light of the foregoining, it can be seen that the facility will not adversely effect the neighboring properties.

Given the location of the proposed in juxtaposition to the I-695 Beltway and adjoining uses and considering that lighting will be downcast building mounted, there exists no chance for glare from the property onto adjoining uses.

Considering these facts, we hold that that Baltimore County Zoning Hearing Board could make the finding that proposes land use, and relief sought, would not adversely effect the neighboring area.

## CHARACTERISTICS OF THE PROPERTY AND PROPOSED USE

This brief has previously discussed certain topographic and locational aspects of the property and concluded that they permit the use without adversely impacting on the public good.

Additional comments to Item #7J Public Storage, Inc.

is found on page 29 of the 1981 B.O.C.A. Basic Building Code.

other construction features necessary to determine the structures compliance to the height and area quirements of the Baltimore County Building Code are not shown and for this reason I cannot assume that a permit would be approved by my department for this project, See Article 5.

required unless subdivided by a three hour fire wall. This is not indicated on the plans. See Section 1702.8.

not indicated on site plans.

however, if they have, then the major corrections should appear on resolution after the variance is granted.

PUBLIC STORAGE, INC. Case #84-127-A

Page 3

Although solely economic considerations are insufficient grounds for the granting of a variance, they may be taken into consideration when tests related to the overall benefit and impact to the community are taken into consideration.

In LaSalle National Bank v. County of Cook, 60 III. App. 2d. 39, 208 NE 2d 430 (1965), the court in its decision set forth a number of factors to be considered in balancing the interest of the public at large against the rights of a private owner. The opinion of the court states, " The fact that plaintiffs may suffer a loss in value is not sufficient to establish invalidity. It must also be shown that the public welfare does not require the restriction and resulting loss.

A zoning ordinance almost always constitutes some hardship, that is, it restricts uses and lowers the values of some parcels of property. That hardship is necessary in order to produce the overall benefit from zoning. We hold that the variance being sought will result in an unnecessary hardship.

If the petitioners provided the setbacks called for in the Baltimore County Zoning Regulation less than half the building area proposed could actually be developed resulting in an economically unsound project.

The Baltimore County Planning Board in its September 15, 1983 report on "Possible Amendments to the Baltimore County Zoning Reglation Concerning Mini-Warehousing in Baltimore County Zones", has recognized several important defining characteristics of mini-warehousing.

The report refers to the locational requirements of mini-warehousing as follows:

Mini-warehouse sites typically are in industrial zones, but recently the facilities are also being located in commercial zones, closer to residences and businesses. The site should have reasonably good access to freeways or primary vehicular arterials, ensuring good visual exposure. A second location criterion is proximity to high density uses (e.g., multifamily residential, convenience shopping centers, strip commercial areas, or commercial service functions).

The real estate thus described is among the highest priced real estate in urban areas. The vast majority of mini-warehousing sites throughout the nation could not be economically established given 60 and 100 foot building spacing given land costs. The present application is no exception.

The Planning Board's September 15, 1983 report also distinguishes between mini-warehousing and traditional warehousing and proposes to specifically define what is meant by the former. The traditional warehouse usually involves massive structures. Goods are handled by a warehouseman as opposed to the individual customers as is the case with mini-warehousing. The implication is that the mini-warehouse must be accessed solely by customers with their own vehicles resulting in buildings of narrow dimension so as to have optimum access for small

The standards of the ordinance that the petitioner is seeking relief from are well suited to larger, wider warehousing buildings. Such buildings could effectively BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Date: September 14, 1983

Mr. William E. Hammond Zoning Commissioner Baltimore County Office Building 1111 West Chesapeake Avenue Towson, Maryland 21204

Z.A.C. Meeting of: September 13, 1983

RE: Item No: 64, 65, 66, 67, 68, 69, (70) 71, 72, 73,  $\xi$  74 Property Owner: Location: Present Zoning: Proposed Zoning:

District: No. Acres:

Dear Mr. Hammond:

The above mentioned items have no adverse effect on student population.

Wm. Nick Petrovich, Assistant Department of Planning

PUBLIC STORAGE, INC. Case #84-127-A.

Page 4

be offset by wider distances and should be. However, given the greater amount of individual buildings and higher land costs for mini-warehousing sites, the provision of such distances would require a prohibitive amount of land.

Mini-warehousing additionally provides a needed community asset. Given the the changing patterns of today's housing--homes are now smaller, built without storage areas, more individuals and families are living in apartments. The need for storage, therefore, is continually expanding. The existence of mini-storage provides for greater flexibility to housing and land use.

In conclusion, as the proposed site has certain locational and topographic characteristics which definitely mitigate the adverse impacts for which sections 255.2, 243.2, 102.2, 255.1, 238.2 and 102.2 of the Baltimore County Zoning Regulation were designed to protect and since the imposition of the requirements of said sections of the ordinance would create an unnecessary hardship in light of the absense of said adverse impacts. We would, therefore, respectfully request that relief from the above sections be granted to Public Storage, Inc. so that its proposed buildings can be constructed at 50 and 24 foot spacing without the need to provide for building connections as proposed.

> Respectfully submitted, PUBLIC STORAGE, INC.

Site Development Coordinator

JMS:jku

PUBLIC STORAGE Inc. 125 GAITHER DRIVE, SUITE C, MT. LAUREL, NEW JERSEY 08054, (609) 778-8790

> SUMMARY OF EVIDENCE ON CASE NUMBER 84-127-A PUBLIC STORACE, INC.

In the case of Akers v. Mayor and City Council of Baltimore, 179 MD. 488,20 A 2d 181 (194), the Court held that a group of buildings that were attached at the corners need not follow setbacks; they were held to be one building. The facts of the present case correspond materially. The Baltimore Jounty Zoning office acted correctly in finding that the proposed Public Storage Development need not follow sections 255.2, 243.2, 102.2, 255.1, 238.2 and 102.2 of the Baltimore County Zoning Regulations relating to required building setbacks as the proposed buildings are planned to be connected by three foot wide building connections.

The proof that the petitioners will endeavor to establish is that grounds exist to grant relief from the requirements of the above sections of the Baitimore County Zoning Regulation so that the current building spicing of fifty and twentyfour feet could be sustained with the deletion of the proposed building connections. The variance application before the board meets all of the standard criteria for the proper issuance of variances, namely:

1) no adverse effect on the public

2) no adverse effect on neighboring properties

3) presence of unique characteristics and special conditions of the site that create unnecessary hardships.

NO ADVERSE EFFECT ON THE PUBLIC

The propsed land development will be seen predominately by motorists on the I-695 Beltway. Although the property will be accessed off of Fitch Avenue, it will be set back almost seven hundred feet from that street. In addition, the cartway of Fitch Avenue is of a higher elevation than the proposed project. The proposed buildings will be between one hundred and fifty and over two hundred feet from the actual cartway of the beloway. The building will not be oriented longitudinally to the I-695 heltway and shall present a broken appearance rather than a continuous appearance. Proposed landscaping will further mitigate any potential visual irpacts. The cartway of the beltway is of an elevation of between six to nine feet above the proposed finish floor elevations of the buildings. Considering that the field of vision of a driver on the beltway will be three feet above the cartway (for an effective field of vision of between nine to twelve feet above the floor elevation of the buildings) and that the proposed building are less than ten feet in height the building will present vitually no visual intrusion.

PASADENA ● LOS ANGELES ● SAN FRANCISCO ● MIAMI ● ATLANTA ● TORONTO ● SEATTLE

## BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon TO Zoning Commissioner

Norman E. Gerber, Director FROM Office of Planning and Zoning Public Storage, Inc. SUBJECT\_\_\_ 84-127-A

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber
Director of Planning and Zoning

October 24, 1983

NEG:JGH:cav

BALTIMORE COUNTY DEPARTMENT OF TRAFFIC ENGINEERING TOWSON, MARYLAND 21204 494-3550 November 14, 1983 Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204 ZAC- Meeting of September 13, 1983 Property Owner: Location: Existing Zoning: Proposed Zoning: Acres: District: The Department of Traffic Engineering has no comments for item numbers 66, 69, 70, 72, and 73. Traffic Engineering Assoc. II MSF/ccm November 16, 1983 Mr. Jeffrey H. Supnick Site Development Coordinator Public Storage. Inc. 125 Gaither Drive, Suite C Mt. Laurel, New Jersey 08054 IN RE: Petition Zoning Variances W/S of Wever Road, 950' S of Fitch Avenue - 14th Election Public Storage, Inc., Petitioner Case No. 84-127-A Dear Mr. Supnick: I have this date passed my Order in the above-referenced matter in accordance with the attached. Sincerely, ARNOLD JABLON Zoning Commissioner AJ/srl Attechments cc: Mr. Sylvester J. Henkel, Jr. 7837 St. Thomas Drive Baltimore, Maryland 21236 Mrs. John C. Kelly, III 7843 St. Thomas Drive Baltimore, Maryland 21235 John W. Hessian, III, Esquire People's Counsel

LANDSCAPE ROCKS TANTA STEDILE TORWAY SPREET 15' - 6' holdbad. WHITE PINE (5" - 6" Seight) 5344 ASE (2.15.5 to . " calibori. PRESERVE EXISTING TREES AND VEGETATION AS BUFFER AREA ----CASE 84-127-A ITEM #70 20002 SHALE - 0 03 Public October 1983

Public Storage, Inc.

125 Gaither Drive

BALTIMORE COUNTY, MARYLAND

MISCELLANEOUS CASH RECEIPT

OFFICE OF FINANCE REVENUE DIVISION

DATE 92.63 ACCOUNT K- 91.615 100

VALIDATION OR SIGNATURE OF CASHIER

Suite C

c/o Jeffrey M. Supnick

Mt. Laurel, New Jersey 08054

TIME: 10:30 A.M.

DATE: Wednesday, November 9, 1983

Avenue, Towson, Maryland

NOTICE OF HEARING

W/S of Wever Rd., 950' S of Fitch Avenue

of Baltimore County

Public Storage, Inc. - Petitioner

Re: Petition for Variance

Case No. 84-127-A

PLACE: Room 106, County Office Building, 111 West Chesapeake

No. 121590

C 314\*\*\*\*\*12020:0 2062A

120 Penn-Am Drive - P.O. Box 558 - Quakertown, Pa. 18951 - (215)536-7075 BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

Engineers, Designers, Surveyors

Legal Description

Wever Road

Public Storage Facility

Baltimore County, Maryland

September 9, 1983

BEGINNING at a point, an iron pipe, on the westerly right-of-way of Wever Road, said place of beginning being a common corner between now or formerly 84 Lumber Company and Public Storage, Inc., approximately 950 ft. South of Fitch Avenue;

9. N 180 39' 43" E, 320.00 feet to a point, a corner of

THENCE - along the said right-of-way line of Wever Road, along the

THENCE - 1. N 840 43' 23" W, 216.38 feet; 2. S 270 44' 36" W, 81.00 feet;

S 320 26' 09" E, 244.41 feet: S 300 47' 16" E, 324.66 feet: S 290 35' 08" E, 200.00 feet; S 350 17' 49" E, 109.39 feet; N 24º 42' 52" E, 7.32 feet;

8. N 240 32' 01" E, 294.44 feet;

arc of a curve having a radius of 75.00 feet and an arc distance of

236.53 feet to an iron pipe, said pipe being the place of beginning;

lands of John P. Wever:

10. N 62º 57' 03" W, 337.50 feet;

Containing 6.000 acres of land, more or less.

ARNOLD JABLON ZONING COMMISSIONER

Public Storage, Inc. c/o Jeffrey M. Supnick 125 Gaither Dr., Suite C Mt. Laurbi, New Jersey 08054

Re: Petition for Variance W/S of Wever Rd., 950' S of Fitch Ave. Public Storage, Inc. - Petitioner Case No. 84-127-A

Movamber 1, 1933

Dear Sir:

This is to advise you that \$66.21 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

> ARNOLD JABLON ng Commissioner

No. 122926 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

VALIDATION OR SIGNATURE OF CASHIER

COWAN ASSOCIATES, INC.

Richard S. Cowan, PE. Ret.

William D. Kee, PE

Johann F. Szautner, PE Marshall A. Phillips, RS

PETITION FOR VARIANCE

14th Election District

ZONING: Petition for Variance

LOCATION:

West side of Wever Road, 950 ft. South of Fitch Avenue

DATE & TIME: Wednesday, November 9, 1983 at 10:30 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to allow a minimum distance between buildings of 24 ft. in lieu of the required 100 ft. and 60 ft., respectively

The Zoning Regulation to be excepted as follows:

Sections 255.1&2 (238.2, 243.2&3 and 102.2) - distance between buildings in an M.L. zone, including land within 100 ft. of the beltway

All that parcel of land in the Fourteenth District of Baltimore County

Being the property of Public Storage, Inc., as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

> BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY

PUBLIC STORAGE Inc. 125 GAITHER DRIVE, SUITE C, MT. LAUREL, NEW JERSEY 08054, (609) 778-8790

September 19, 1983

Mr. Arnold Jablon, Commissioner Zoning Hearing Board County Office Building, Room 113 111 West Chesapeake Towson, Maryland

Strif 70

Re: Proposed Public Storage, Inc.'s Self Service Storage Facility at Fitch Avenue, Baltimore County, Maryland

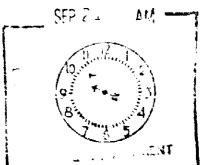
Dear Commissioner Jablon:

On September 2, 1983 an application to appear before your Board, was submitted by Public Storage Inc., in order to request a variance related to the terms and conditions of sections 255.2, {243.2}, 102.2 to allow a minimum distance between buildings of 24 feet in lieu of the required 190 feet and sections 255.1 (238.2 & 102.2) to allow a minimum distance between buildings of 24' in lieu of the required 60 feet.

As we would contemplate utilizing metal building connectors in lieu of providing the actual distances specified in the above sections of the zoning code; and further considering the fact that we may be in a stage of constructing our buildings to a point where we must know whether or not said connectors must be integrated into the construction, it will be necessary to obtain a decision in this matter in less than seven weeks from this

It is therefore respectfully requested that the Zoning Commission give favorable consideration to providing the earliest practically possible date to hear this petition for a Zoning Variance.

Sincerely,



PUBLIC STORAGE, INC.

Jeffrey M. Supnick Site Development Coordinator

JMS/cp

BEFORE THE IN RE: PETITION ZONING VARIANCES \* The Petitioner estimates that the cost of the connections would approximate the proposed variances or to the Petitioner's objective of not building the con-W/S of Wever Road, 950' S of After due consideration of the testimony and evidence presented, it is clear Fitch Avenue - 14th Election \* ZONING COMMISSIONER an additional \$40,000 and also require the loss of approximately 3,000 square feet nections. They are totally concerned with being shielded from further develop-District that a practical difficulty or unreasonable nardship would result if the instant OF BALTIMORE COUNTY of space due to the necessity of lining up the connections between buildings on ment of ti area immediately behind them. To that end, prior to the hearing and Public Storage, Inc., variances were not to be granted. It has been established that the requirements Case No. 84-127-A line. A contiguous pier would be required that would run continuously in line later introduced into evidence, both the Petitioner and the Protestants agreed Petitioner the Petitioner seeks relief from here would unduly restrict the use of the land through all of the buildings and would require the buildings to be on line. The that if the variances were allowed, the Petitioner would extend appropriate screendue to the special conditions unique to this particular parcel. In addition, the \* \* \* \* \* \* \* \* \* Petitioner also expresses the fear that the connectors would be unsafe. One such ing, which is shown on Petitioner's Exhibit 4 as lining the property line bordervariances requested will not be detrimental to the jubils health, safety, and gen-FINDINGS OF ACT AND CONCLUSIONS OF LAW connection, between buildings B and C, would be 50 feet long, and the Petitioner ing the Beltway and surrounding the property line to Wever Road, the access road maintains that this is particularly uncafe and would create a danger to the public. to the mini-warehouses, as more particularly described on Petitioner's 4 and Pro-The Petitioner herein, Public Storage, Inc., requests variances to allow a Pursuant to the advertisement, posting of the property, and public hearing On a lesser scale, the connection of 2, leet between the other buildings would also testants' Exhibit 1. In fact, the Petitioner is willing to work with the Protesminimum distance between buildings of 24 feet instead of the required 100 feet on this Petition held, and for the reasons given acove, the variances requested tants to determine the appropriate trees to be planted. and 60 feet, respectively. The purpose of the request is to allow the Petitioner The proposed building, although located in a M.L. Zone, falls within 100 feet to build a mini-warehouse development without the necessity of constructing build-The Petitioner seeks relief from Sections 255.1, 255.2, 243.2, 238.2, and Therefore, IT IS CRDERED by the Zoning Commissioner of Faltimore County, this of the right of way of the Beltway, an existing interstate highway; therefore, the 102.2, pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR). ing connections, as more fully described, with the connections, on Petitioner's front, side, and rear yard area requirements are those that are applicable in a An area variance may be granted where strict application of the zoning regulayard setback of 50 feet between buildings B and C and side yard setbacks of 24 feet M.R. Zone, to wit, the front yard at least 75 feet from the front property line, tion to the petitioner and his property would cause practical difficulty. McLean The Petitioner, by its site development coordinator, Jeffrey M. Supnick, apbetween the other buildings be and is hereby GPANTED, from and after the date of the side yard 50 feet from the side property line, and the rear yard 50 feet from v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, peared and testified. Two Protestants appeared and testified. this Order, subject, however, to the following restrictions: the rear property line. These requirements would be applicable only to those por-Testimony indicated that the proposed site is zoned M.L. The Petitioner purthe petitioner must meet the following: 1. The Petitioner may apply for its building permit and be tions of the buildings actually falling within 100 feet of the Beltway. Otherwise, granted same upon receipt of this Order; however, leti-1. whether strict compliance with requirement would unreachased the property due to the location, which is commercial but close to resitioner is hereby made aware that proceeding at this time sonably prevent the use of the property for a permitted the setback requirements are those applicable in a B.R. Zone, to wit, the front yard is at its own risk until such time as the applacable ap-, dential and with good access from the Baltimore Beltway and primary vehicular arpurpose or render conformance unnecessarily burdensome; pellate process from this Order has expired. If, for 25 Eget from the front property line and not less than 50 feet from the centerline whatever reason, this Order is reversed, the Petitioner teries. In addition, due to its location, the proposed site affords and ensures 2. whether the grant would do substantial injustice to the would be required to return, and be responsible for reapplicant as well as other property owners in the disof any street and the side and rear yards 30 feet. exceltent visual exposure from the Beltway. The property was expensive to purchase turning, said property to its original condition. trict or whether a lesser relaxation than that applied for would give substantial relief; and Therefore, if the connections are not built, the requirements as established The Petitioner must extend and provide appropriate landfor the above reasons. The proposed use is one that is permitted as of right in scaping to shield the western portion of the property whether relief can be granted in such fashion that the above must be met. If the connections are made, the requirements need not be met. from view of the Protestants and shall submit a revised the ML. Zone. The issue is whether the mini-warehouse development, with the conspirit of the ordinance will be observed and public landscaring plan for approval by the Current Planning safety and welfare secured. The Petitioner wants not to build the connections and is therefore requesting and Development Division, Office of Planning and Zoning. struk⊈ion of numerous separate buildings, can meet the various setback requirements The Petitioner shall consult with the Protestants. regerson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974). variances of 50 feet between buildings B and C and 24 feet between buildings C and estar ished by law. If, however, the separate buildings were to be treated as one 3. The Petitioner shall not allow or provide space to tenants It is clear from the testimony that if the variances were to be granted, such D, D and E, E and F, F and G, G and H, and H and I. for the erection of signs of any kind, type, or size on primary building then i. setbacks would not be required. Such could occur if the the subject site, but shall be allowed to erect its own use as proposed would not be contrary to the spirit of the regulations and would DATE The Protestants, who are residents of the area immediately to the west of the signs, pursuant to appropriate regulations. mini-warehouses were to be connected, as is shown on Petitioner's Exhibit 1. not result in substantial detriment to the public good. property in question and whose neighborhood is zoned D.R., are not objecting to the 4. The Petitioner shall comply with all comments submitted to and made a part of the Baltimore County Zoning Plans Advisory Committee, which is adopted in its entirety by - 3 -- 2 -Mr. Jeffrey M. Supnick ZONING: Petition for Varian-LOCATION: West side of Road, 550 ft. South of Fisch Ave-nue Cowan Associates, Inc. Fublic Storage, Inc. 125 Gaither prive Suite C 120 Penn Am Drive nue
DATE & TIME: Wednesday, November 9, 1962 at 10:30 A.M.

PUBLIC HEARING: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towsen,
Maryland P.C. Eox 558 CERTIFICATE OF PUBLICATION Mt. Laurel, New Jersey 08054 Quackertown, Pa. 18951 5. The parking facilities for more than five vehicles, including recreational vehicles, shall be contained within buildings or be subject to the provisions of Section BALTIMORE COUNTY OFFICE OF PLANNING & ZONING 409.2.c., BCZR. The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to allow a minimum distance between buildings of 24 ft. in lieu of the required 160 ft. and 60 ft., respectively. TOWSON, MD., October 20 , 19 83 County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 BETTE WINSON SENIES 6. A procedure shall be established for periodic inspections THIS IS TO CERTIFY, that the annexed advertisement was of the leased storage spaces, including recreational vehicles, to insure compliance with the terms, conditions, published in THE JEFFERSONIAN, a weekly newspaper printed and provisions of any lease agreement entered into by and quired 100 ft. and 60 ft., respectively.

The Zoning Regulation to be excepted as follows:
Sective 256-1 & 2. (243.2 & 3 and 103.2) — distance between buildings in an M.L. zone, including land within 100 ft. of the betway.

Aii that parcel of land in the Fourteenth District of Baltimore County

Beginning at a point, as iron pipe, on the westerly right-of-way of Wever Road, and place of beginning being a common corner between now or formerly 84 Lumber Company and Public Storage, Inc., approximately 850 ft. South of Fitch Avenue: Thence —

1. N 84° 43° 25° W, 216 35 feet; 2. 8 27° 44′ 30° W, 21.00 feet; 3. 8 30° 47′ 16° E, 234.66 feet; 5. 8 29° 30° E, 394.24 feet; 6. 8 30° 47′ 16° E, 234.66 feet; 7. N 34° 43° 35° E, 732 feet; 8. N 34° 32 01° E, 294.44 feet; 9. N 18° 33° 43° E, 300.00 feet to a point, a corner of lands of John P. Wever;

10. N 62° 57′ 08° W, 337.50 feet; Thence — along the said right-of-way line of Wever Road, along the arc of a curve having a radius of 75′00 feet and an arc distance of 236.65 feet to an iron pipe, said pipe being the place of beginning: Containing 6.000 acres of land, more or leas.

Being the property of Public 2to-rage, Inc., as shown on plat planfiled with the Zoning Department.

In the event that this Petition is granted, a building permit may be Your petition has been received and accepted for filing this between the Petitioner and its tenants. 19th day of September , 1983. and published in Towson, Baltimore County, Md., oncexinxed by 7. All lighting shall be directed toward the mini-warehouse of one time works was before the 9th structures in order to minimize illumination, glare, and intensity beyond the subject site. day of \_\_\_\_\_November\_\_, 1983\_, the first publication 8. A revised site plan, incorporating the applicable restricappearing on the 20th day of \_\_\_\_October\_\_\_ tions set forth above, shall be submitted for approval by ARNOLD JABLON Zoning Commissioner the Zoning Office. Petitioner Public Storage, Inc. Received by: Micholas B. Commodari
Nicholas B. Commodari Chairman, Zoning Plans Advisory Committee Baltimore County Cost of Advertisement, \$ 29.75 84-127-A In the event that this Petition ! CERTIFICATE OF POSTING sioner will, however, entertails any request for a stay of the issuance of said permit during this period for good cause shows. Such request must be received in writing by the date of the hearing set above or made at the hearing. ING DEPARTMENT OF BALTIMORE COUNTY District. 14

Posted for: Latter for Christiel

Petitioner: Latter for Christiel

Petitioner: Latter for Christiel

Location of property: 10/5 Preser Ms, 150' 54

Location of Signs: Latter facing materialist of recentated;

with facing proposed more belonist to tracker. Posted by 12011 | Melitar Date of return: 10/23/93 - 5 -

#### Petition Far Variance

14TH ELECTION DISTRICT ZONING: Petition for

Variance
LOCATION: West side

LOCATION: West side of Wever Road, 950 ft. South of Fitch Avenue D A T E & T I M E: Wednesday, Nov. 9, 1983, at 10:30 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeaks Avenue, Towsca, Md.

The Zoning Commission

Md.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County,

will hold a public hearing: Petition for Variance to allow a minimum distance

allow a minimum distance between buildings of 24 ft. in lieu of the required 100 ft. and 60 ft., respectively.

The Zoning Regulation to be excepted as follows: Sections 255. I & 2 (238.2, 243.2 & 2 and 102.2) - distance between buildings in an M.L. zone, including land within 100 ft. of the beltway.

beltway.
All that parcel of land in the Feurteenth District of Baltimore County

the Fourteenth District of Baltimore County

Beginning at a point, as from pipe, on the westswhy right-of-way of Wever Road, said place of beginning being a common corner between how or formerly 84 Lumber Company and Public Storage, Inc., approximately 950 ft. south of Fitch Avenue.

THENCE 1. N 844
43'25" W., 216.36 feet; 2. S 27°, 44'30" W. 81.00 feet; 3. S 32° 28'09" E., 244.41 feet; 4. S 30° 47' 16" E., 324.68 foot, 5. S 27° 15' 08" E., 200.00 feet; 6. S 35° 17' 49" E., 109.39 feet; 7. N 24° 12' 52" E., 7.32 feet; 8. N 12° 32' 01" E., 294.44 feet; 9. N 18° 39' 43" E., 320.00 feet to a point, a corner of lands of Jehn P. Wever; 10. N 62° 57' 03" W., 327.50 feet.

Thence along the said

Thence along the said right-of-way line of Wever right-of-way line of Wever Road, along the arc of curve having a radius of 75.00 feet and an arc dis-tance of 235.53 feet to an iron pipe, said pipe being the place of beginning. Containing 5.000 acres of land, more or less.

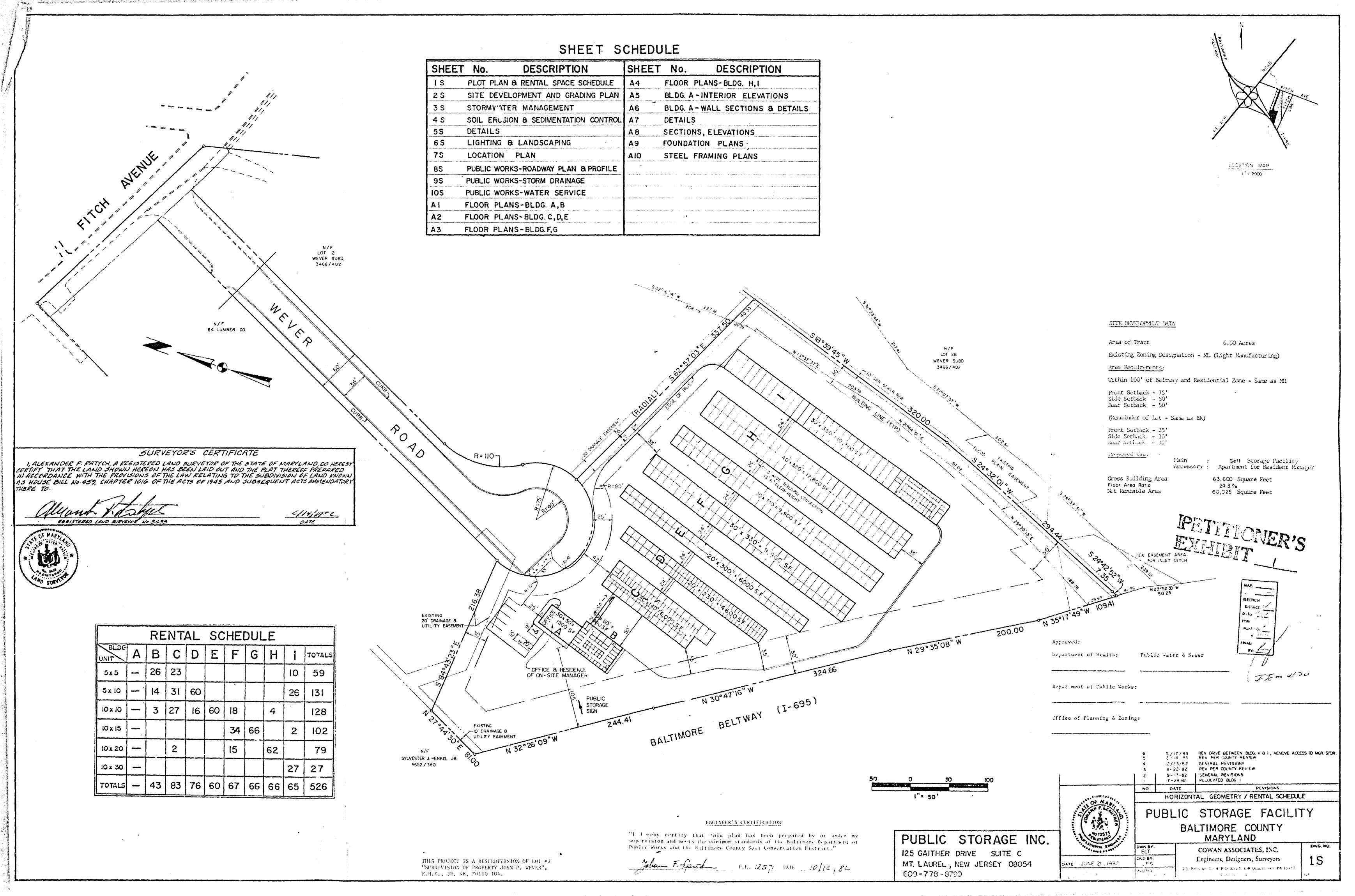
Being the property of Public Storage, Inc., as shown on plat plan filed with the Zoning Department.

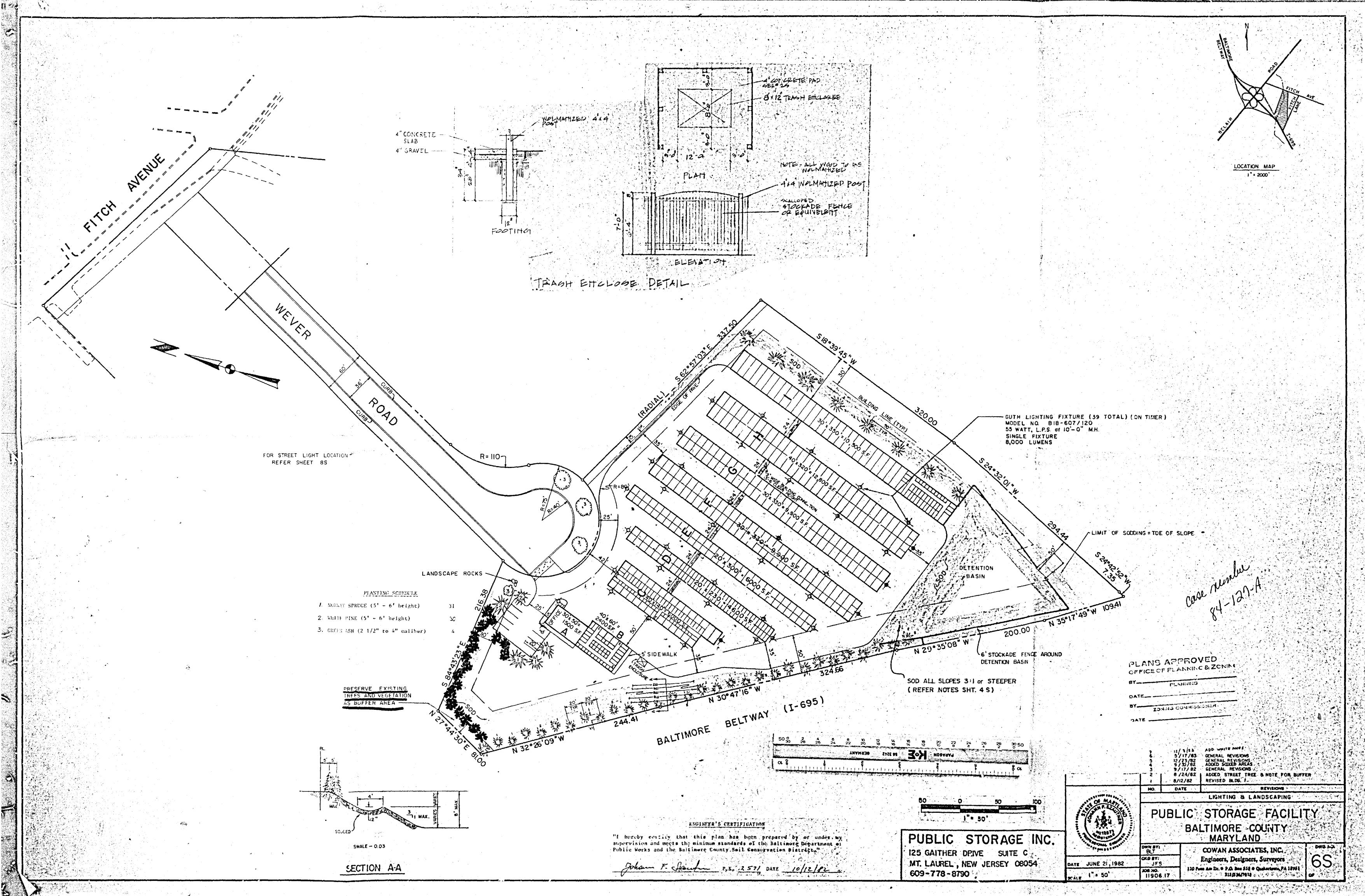
In the event that this Petition is granted, a building permis may be issued wither the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request meet be received in writing by the date of the hearing set above or made at the hearing. In the event that this Peing,

By Order Of Arnold Jobius Zoning Commissioner of Baltimore County

## **Ug Times**

Middle River, Md.,		1	20	19
This	s is to Ce	rtify, T	hat the	annexe
Ditch			<del></del>	
			·	
				٠.
was inserted in Op	e Times	, a nev	vspape	r printe
was inserted in Up and published in B				•
_			y, onc	•
and published in B	laltimore Oxe	Count	y, once	e in eac
and published in B	laltimore Oxe	Count	y, once	e in eacucessiv





# PUBLIC STORAGE Inc.



Rental Storage

125 GAITHER DRIVE, SUITE C, MT. LAUREL, NEW JERSEY 08054, (609) 778-8790

December 9, 1983

Mr. James Ogle
County of Baltimore Maryland
Current Planning and Development
Division
Office of Planning
111 W. Chesapeake Ave.
Towson, MD 21204

RE: Landscape Plan Pursuant to Zoning Case No. 84-127-A Permit No. 56522-32 C-889-83

Dear Mr. Ogle:

Pursuant to the decision of the Zoning Commissioner of Baltimore County in Case No. 84-127-A dated November 16, 1983, the petitioner, Public Storage Inc. has been asked to submit a revised landscaping plan to your office.

Enclosed for your information and review are four copies of the revised landscape plan. As you will note, the landscape plan revision provides for an additional 18 white pines, placed 15 feet on center, located as to shield the western portion of the property from the view of the properties of Sylvester J. Henkel, Jr. and John C. Kelly, III.

Trusting that the foregoing adequately meets the concerns of your department, I remain,

Sincerely yours,

PUBLIC STORAGE INC.

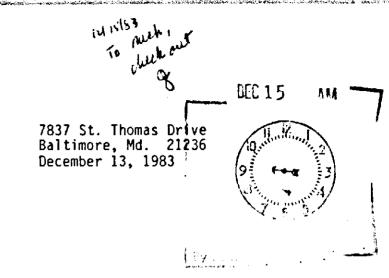
Leffrey M. Supnick, A.I.C.P. Site Development Coordinator

JMS/fmm

Encl:

cc: S. J. Henkel, Jr.

23.3751



Mr. Arnold Jablon Zoning Commissioner 111 W. Chesapeake Avenue Towson, Maryland 21204

Subject: Landscape Plan Pursuant to Zoning Case No. 84-127-A, Permit No. 56522-32, C-889-83

Reference: (A) Public Storage Incorporated letter to Mr. James Ogle, same subject, dated December 9, 1983

Dear Mr. Jablon:

Pursuant to the decision of the Zoning Commissioner of Baltimore County in Case No. 84-127-A dated November 16, 1983, the petitioner, Public Storage Inc., submitted a revised landscaping plan to your office by the Reference (A) letter. A carbon copy of the letter and a copy of the revised landscaping plan was sent to me.

The plan calls for an additional 18 white pines to shield the properties of Sylvester J. Henkel, Jr. and John C. Kelly, III. The plan for the additional trees does not quite meet the agreement made at the Zoning Commission hearing. It was agreed that the trees would be planted so as to extend all of the way to Wever road. It appears that an additional 4 trees, for a total of 22 white pines, will be required to accomplish this.

Before you approve the revised landscaping plan it is requested that you consider this request for the additional trees required to extend the tree line to Wever Road.

Very truly yours,

S. J. Henkel, Jr.

cc: Jeffrey M. Supnick
Site Development Coordinator
Public Storage, Inc.
125 Gaither Drive
Suite C,
Mt. Laurel, New Jersey 08054

Mr. James Ogle Office of Planning 111 W. Chesapeake Ave. Towson, Md. 21204